

SUMMARY of the 2022 LEGISLATIVE SESSION

Legislation Enacted that Affects Local, Regional and Statewide Planning

During the 2022 Rhode Island General Assembly session, numerous bills were enacted that will impact local, regional, and statewide planning. A total of 2,511 bills were filed in 2022. Members of the House introduced 1,443 bills and, in the Senate, 1,068 bills were introduced. This year, 208 planning related bills were tracked and, of these tracked bills, more than 30 were enacted as laws. The Division scans for a variety of topics related to centralized planning responsibilities for the Division, the State Guide Plan, and other requirements as the State's single Metropolitan Planning Organization. Topics typically are related to municipal planning, energy, housing, other state government, solid waste, transportation, and water supply. Below is a brief synopsis of some of the **enacted** bills, accompanied by links to the actual legislation on the web. The bills that were signed into law and that affect the Division are shown first, then several key bills related to municipal planning and low-moderate-income housing requirements are highlighted. A reminder: planners will need to consult with their municipal solicitors about amendments needed to bring zoning ordinances and/or subdivision and land development regulations into compliance with the new laws.

Mandatory Education Now Required for Local Land Use Officials

House Bill No. [7023 SUB B](#) & Senate Bill No. [2649 SUB A](#) became effective without the Governor's signature on June 25, 2022 and now are Chapters 142 & 143 of the Public Laws of 2022. Originally approved in 2017, this Law requiring biennial education on sea-level rise and storm water management education, now addresses continuing education on land use planning for local planning, zoning, and historic district board members. Upon completion of training, a board member must file with the municipal clerk a statement asserting that the training has been completed. According to the new provisions, no decision of a planning, zoning or historic district board or commission will be declared invalid because of failure of a member to comply with the training requirements.



The Law requires that the State Planning Council appoint an advisory committee for education by December 2022 to advise the Division on development of an education program. The Program needs approval by the Director of Administration. The Division is required to begin offering the approved training by June 2023. The Division will be developing guidelines outlining the training to be offered and procedures for obtaining the exemptions provided by the Law.

Required training for planning, zoning, or historic district board members:

- Introductory Course – 3 hours – one time within 2 years of enactment or a new appointment
- Annual Updates – 1 hour every year

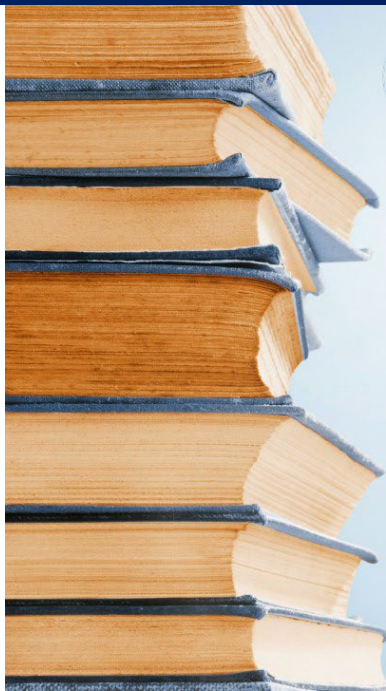
Planning Boards Only

- Sea Level Rise/Stormwater Management – 2 hours every 2 years

Exemptions possible (introductory training only):

- Ex-officio board members – all training waived
- Completion of a prior land use planning course of at least 3-hour equivalency, subject to approval by the Division
- Proof of American Institute Certified Planner or a master's degree in urban or community planning

The current ongoing free, monthly virtual training workshops of the Division will form the foundation for this new effort. In 2021, The Division trained 55 persons from 14 communities consisting of both new volunteers and seasoned veterans. 2022 training is already off to a strong start with more than a dozen individuals taking advantage of the current virtual workshops and several dozen persons registered for the remaining workshops of this year. (See the information following on upcoming workshops.)



Rhode Island Division of Statewide Planning

Free Educational Workshops for Municipal Volunteer Officials
2022 Proposed Schedule

Workshops will be conducted by Zoom and advance registration is required

Workshop 1 – Conducting Effective Public Meetings

An Introduction to meetings, best practices and addressing sea level rise/stormwater management in land use planning

Proposed Dates: March 30th, May 25th, August 31, October 26th

Workshop 2 – Making Land Use Decisions

Conducting land use reviews, standards and crafting decisions

Proposed Dates: April 27th, June 29th, September 28th, November 30th

For more information or to register - send an email at least two weeks prior to the workshop you wish to attend with your name, community affiliation and level of experience to:

Nancy.Hess@doa.ri.gov or Paul.Gonsalves@doa.ri.gov



New Annual Reporting Required

[S 2623 SUB A](#) & [H 7942 SUB B](#) - Zoning Ordinances – This Act makes multiple changes. First, the definition of and standards for an accessory dwelling unit (ADU) have been changed. An ADU may be now counted towards a municipality's affordable housing goals after meeting certain conditions. An eligible ADU to be counted will count as one-half a unit for every year for which documentation of eligibility is provided to Rhode Island Housing and Mortgage Finance Corporation by the approved monitoring agent. Communities still have a choice to permit ADUs or not, they have not been mandated as earlier versions of the bills proposed. Approval would be through the development plan review process. Communities should check with their Solicitors on zoning definitions and development review regulations in regard to the new standards for ADUs.

Second, municipalities now must provide annually to the Division by February 1st - the following data:

- Any ordinances enacted related to ADU in the previous calendar year.
- All ADU permitted during the two previous calendar years, and
- All ADU issued a certificate of occupancy during the two previous calendar years.

The Division must submit an annual report of municipal activity related to ADUs on a statewide and municipal basis to the Speaker of the House, President of the Senate, and the Secretary of Housing by March 1 each year.

[S 3052](#) & [H 7947 SUB A](#) - Low and Moderate Income Housing – This Act also established two new reporting requirements. Municipalities must provide to the Division annually, by February 1st - data for the preceding year relating to comprehensive permits, consisting of:

- The number of letters of eligibility issued for low- and moderate-income housing including the proposed subsidized units.
- The federal, state, and municipal subsidy programs under which they were eligible.
- The status of each comprehensive permit application for which a letter of eligibility was issued.
- The number of comprehensive permit applications which have had building permits issued, describing the
 - number of market rate housing units
 - number of low and moderate-income housing units, and
 - the AMI restrictions associated with the units.
- The number of comprehensive permit applications which have had certificates of occupancy issued

The Division must submit an annual report of activity related to comprehensive permits on a statewide and municipal basis to the Speaker of the House, President of the Senate, the Housing Resources Commission, and the Secretary of Housing by March 15 each year.



Laws Impacting Municipal Planning

Senate Bill [2504 SUB A as amended](#) & House Bill [6642 as amended](#) – An Act Related to Subdivision of Land/Zoning Ordinances - This Act was signed by the Governor on June 27, 2022. This act would take effect on January 1, 2023 and would be prospective only and not applicable to any current zoning or planning application, hearing or appeal.

Quorums are changed as follows:

- Planning board votes for approval of any land development or subdivision application require a majority vote of the members present at the time of the vote, not the full membership.
- The zoning board of review quorum will be four members authorized to vote which may include alternate members.

Zoning Board of Review voting is changed as follows:

- A maximum of five active zoning board members, which may include alternates, shall vote on any issue.
- The concurring vote of a majority of members is necessary to reverse any order, requirement, decision, or determination of any zoning administrative officer from whom an appeal was taken.
- The concurring vote of a majority of members sitting at a hearing is required to decide in favor of an applicant on any matter of the Board upon which it is required to review, including variances and special use permits.

S [2088](#) & H [7201](#) - Zoning Ordinances – This Act became effective without the Governor's signature on June 17, 2022 and is Chapters 097 and 098 of the of the Public Laws of 2022. It provides for a procedure for homeowners to submit to a municipal zoning board of review or zoning official for a review to determine whether or not a proposed use requires a special use permit. This provision enforces the existing requirement for zoning officials to answer written requests within fifteen days, through the issuance of written zoning certificates ([§ 45-24-54. Administration](#)).



Other Land Use Related Legislative Actions

From time to time the General Assembly appoints various study commissions on contemporary topics of concern to the Legislators. There are two such commissions ongoing related to land use planning. Links to each study commission are provided below. The Division is a member of the Land Use, Preservation, Development, Housing, Environment and Regulation Commission.

House Resolution [7576](#) - Resolution 194 - HOUSE RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF [THE SPECIAL LEGISLATIVE COMMISSION](#) TO STUDY THE ENTIRE AREA OF LAND USE, PRESERVATION, DEVELOPMENT, HOUSING, ENVIRONMENT, AND REGULATION - Extends the reporting and expiration dates of the commission to study the entire area of land use, preservation, development, housing, environment, and regulation, from April 30, 2022, to June 8, 2023, and would expire on June 30, 2023.

Other Commissions

House Resolution [7091](#) – Resolution 066 - HOUSE RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES FOR THE [SPECIAL LEGISLATIVE COMMISSION TO STUDY THE LOW- AND MODERATE-INCOME HOUSING ACT](#) - Extends the reporting and expiration dates for the Commission to study the Low- and Moderate-Income Housing Act from December 16, 2021, to April 12, 2023, and would expire on May 24, 2023

House Resolution [8330](#) Resolution 399 & House Resolution [8356](#) Resolution 403 - SPECIAL LEGISLATIVE COMMISSION TO STUDY THE LOW- AND MODERATE-INCOME HOUSING ACT - A amend the membership of said commission by increasing the number of members from 18 members to 19 members by adding the Secretary of Housing, or designee



Laws impacting Housing & Municipal Planning

There were 139 bills filed related to housing in some way in the 2022 session. Topics were varied and widescale to address different housing issues in the State. The following are links to those **which were enacted** and impact land use planning.

S [2481 Sub A](#) & H [7640 SUB A](#) - RI Housing Resources Act of 1998 - This Act amends the membership of the Rhode Island Housing Resources Commission to exclude a representative of the insurers and replace it with a representative of a city or town with a population below 25,000, and requires that, in each funding round, there must be a material award that benefits a city or town with a population below 25,000, according to data from the United States Census Bureau.

S [2621 SUB A as amended](#) & H [7723 SUB A](#) – RI Housing Resources Act of 1998 – This Act changes the affordable housing eligibility standards for households in New Shoreham (only) with gross household income of less than on 140% of area median income.

H [7940 SUB A as amended](#) – State Affairs and Government - Executive Office of Commerce - This Act provides that the deputy secretary of commerce and housing becomes the secretary of housing with all the powers and duties of the deputy secretary of commerce and housing. This Act also creates a new department of housing effective January 1, 2023.

S [3044](#) - & H [7941](#) - Low and Moderate Income Housing – Defines multi-family housing as a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than one residential dwelling unit in each building. Authorizes multi-family rental units to be built as part of a comprehensive permit and to be included in the calculation of low mod housing provided they meet the provisions of [§ 45-53-3.1](#). All non-deed restricted units developed under the same comprehensive permit shall be included in the low and moderate income housing inventory as one-half unit each.

S [3048](#) & H [7943 SUB A](#) - Low and Moderate Income Housing – Establishes a program for the repurposing of vacant and unused school buildings into affordable housing to be administered by the Secretary of Housing. Reporting requirements are established for both the Department of Elementary and Secondary Education and municipalities. The Office of Housing and Community Development must establish a database to track the program.

S [3045](#) & H [7945 SUB A](#) – Low and Moderate Income Housing – Amends the membership of the State Housing Appeals Board to include a member from the Center for Justice Rhode Island and a member from Direct Action for Rights and Equality. Two additional alternates are to be appointed by the Governor representing realtors or developers doing business in the State. Requires annual reporting from the Rhode Island Housing Resources Commission on activities of the Board.

S [3046 Sub A](#) & H [7949 SUB A as amended](#) – Low and Moderate Income Housing – Revises the time period for reviews within the comprehensive permitting process and the time period for the appeals process. Monitoring agents must be approved by the Rhode Island Housing Resources Commission. Certification of completeness for major land developments must be issued in 25 days, for preliminary plans within 25 days, and public hearing must be held within 90 days. Denial of a comprehensive permit must now include a finding that the municipality has made significant progress in implementing affordable housing goals.

S [3049](#) & H [7946 SUB A](#) - Low and Moderate Income Housing - The Rhode Island Housing and Mortgage Finance Corporation is required to prepare an annual report to the General Assembly, Housing Resources Commission, Division of Statewide Planning, and the Secretary of Housing, on Section 8 Housing Choice Vouchers.

S [3050](#) & H [7950 SUB A](#) - Low and Moderate Income Housing – The Rhode Island Housing Resources Commission must establish a monitoring agent program defining a process for the selection and approval of monitoring agents ensuring that municipally subsidized housing developments remain affordable, and that income eligible buyers and tenants are occupying these units.

S [3051](#) & H [7944 SUB A](#) - Low and Moderate Income Housing – This act would direct the Rhode Island Housing and Mortgage Finance Corporation to maintain an online database of low income rental units on the Corporation's website. The Corporation must provide an annual report to the Speaker of the House, President of the Senate, Housing Resources Commission, Division of Statewide Planning, and the Secretary of Housing.

S [3058](#) – Executive Office of Commerce - Effective January 1, 2023, a new Department of Housing is created which includes the Office of Housing and Community Development and that the Deputy Secretary of Commerce and Housing becomes the Secretary of Housing to be appointed by the Governor.

If you have any questions regarding the bills enacted, please contact either:

Nancy Hess at nancy.hess@doa.ri.gov or Paul Gonslaves at paul.gonslaves@doa.ri.gov